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| 09/453,936      | 05/17/2000  | Tetsuro Motoyama     | 5244-0125-2         | 7315             |

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EXAMINER

EDELMAN, BRADLEY E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2153

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/453,936

Applicant(s)

MOTOYAMA ET AL.

Examiner

Bradley Edelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This is a first office action on the merits of this application. Claims 1-18 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4-9, 13, 14, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Shelton et al. (U.S. Patent No. 5,848,378, hereinafter "Shelton").

In considering claim 1, Shelton discloses a computer program product for controlling a combination of protocol and format used to communicate event data between a remote receiver ("client") and a device ("server") comprising:

First computer code means for selecting a protocol to transfer event data between the remote receiver and the device, second computer code means for selecting a first format to transfer event data between the remote receiver and the device, and third computer code means for determining if the selected protocol is compatible with the first selected format (col. 5, line 60 – col. 6, line 8, wherein "the data including the real-time weather conditions at the selected site is presented to the users in a variety of formats that are supported by the particular client/server protocol being

used,” and thus, the system necessarily ensures that the formats are compatible with the selected protocol before selecting the formats).

In considering claim 2, Shelton further discloses a fourth code means for selecting a second format for transferring event data if the first format is not compatible with the selected protocol, and for ensuring that the second format is compatible with the protocol (Shelton discloses that multiple formats may be selected according to compatibility with the protocol. Such a selection of formats would necessarily include iterative steps, run by computer code, of comparing the protocol with each of the formats to determine which formats are compatible).

In considering claims 4 and 5, Shelton further discloses a fourth computer code means for selecting a second format to transfer event data between the remote receiver and the device, and a fifth computer code means to transmit the data to the remote receiver from the device using the first and second formats of the protocol supports plural formats at a time (col. 6, lines 1-7, wherein the text, graphics, images, video, and/or audio would be sent). However, Shelton does not explicitly state whether the different formats are sent sequentially or in parallel, as required by claims 4 and 5 respectively. Nonetheless, given the types of information being sent (i.e. text, graphics, images, video, audio), a person having ordinary skill in the art would have readily recognized the desirability and advantages of sending certain of the information in parallel (i.e. sending audio and video in parallel so they can be viewed simultaneously),

or sending other information sequentially (i.e. sending video and images sequentially so that they can be viewed separately). Therefore, it would have been obvious to select from sending the data either sequentially or in parallel in the system taught by Shelton.

In considering claim 6, Shelton further discloses a fourth computer code means for storing a first indicator corresponding to the protocol selected, in a map entry; and a fifth computer code means for storing a second indicator corresponding to the first format, in a map entry (because the comparison and selection steps would necessarily include a step of evaluating the type of protocol and format requested, storing both of these indicators in some kind of map for such evaluation purposes would be inherent).

In considering claim 7, Shelton further discloses a sixth computer code means for comparing the first and second indicators stored in the map against values in a data structure corresponding to at least one compatible format for a specified protocol (i.e. when the format and protocol are compared for selection, the value of the protocol selected, stored in the request will be compared first to a protocol ID for protocol selection, and then to a format ID for format selection).

In considering claim 8, Shelton further discloses a sixth computer code means for comparing the first and second indicators stored in the map against values in a data structure corresponding to at least one compatible protocol for a specified format (i.e.

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when the format and protocol are compared for selection, the indicators will be compared against corresponding data structures in the requests).

In considering claim 9, Shelton further discloses a sixth computer code means for iterating over values in a data structure corresponding to at least one compatible format for a specified protocol (inherent in the format selection process).

In considering claim 13, claim 13 is a parallel method claim to claim 1, and is thus rejected for the same reasons.

In considering claim 14, claim 14 is a parallel method claim to claim 2, and is thus rejected for the same reasons.

In considering claim 16, claim 16 is a parallel method claim to claim 4, and is thus rejected for the same reasons.

In considering claim 17, claim 17 is a parallel method claim to claim 5, and is thus rejected for the same reasons.

In considering claim 18, claim 18 is a parallel method claim to claim 6, and is thus rejected for the same reasons.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 10-12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton.

In considering claim 3, Shelton further discloses a fourth computer code means for selecting a second format to transfer event data between the remote receiver and the device after selecting the first format; and a fifth computer code means for transmitting data to the remote receiver from the device only using the second format (col. 6, lines 1-8, wherein if only one format was compatible with the protocol, the system would iteratively select formats until the compatible one is chosen for transmission). In addition, the system taught by Shelton would inherently send only a single format (i.e. the compatible format) if the protocol only supports a single format at the same time. However, Shelton does not disclose that the single format will necessarily be the disclosed second format. Nonetheless, such selection is merely a matter of design choice. A person having ordinary skill in the art would have readily recognized the desirability and advantages of selecting either one of the first or second formats, as a simple matter of preference. Thus, it would have been obvious to use the second format taught by Shelton (rather than the first) if the protocol only supports one format at a time.

In considering claim 10, Shelton further discloses a sixth computer code means for iterating over values in a data structure corresponding to at least one compatible format for a specified protocol (inherent in the format selection process). However, Shelton does not disclose iterating over values corresponding to a compatible protocol for a specified format. Nonetheless, the decision to select protocols based on formats versus selecting formats based on protocols is merely one of design choice (the protocols are matched with the formats either way). Thus, a person having ordinary skill in the art would have readily recognized the desirability and advantages of selecting a protocol based on a desired format in the system taught by Shelton, rather than the other way around, to provide greater direct control over the format selected. Therefore it would have been obvious for the system taught by Shelton to select protocols based on desired formats, as claimed.

In considering claim 11, although the system taught by Shelton discloses substantial features of the claimed invention, it fails to explicitly disclose that one of the first through third computer code means comprises a library of code shared between a first and second applications. Nonetheless, Examiner takes official notice that the use of libraries in running computer code for different applications is a well-known standard in the computer programming art. Thus, given this knowledge, a person having ordinary skill in the art would have readily recognized the desirability and advantages of including a library of code in the computer code means taught by Shelton, so that the system



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conforms to standard coding practices. Thus, it would have been obvious for one of the first three computer code means taught by Shelton to comprise a library of code, as claimed.

In considering claim 12, although the system taught by Shelton discloses substantial features of the claimed invention, it fails to explicitly disclose that one of the first through third computer code means comprises a dynamically linked library of code shared between a first and second applications. Nonetheless, Examiner takes official notice that the use of dynamically linked libraries in running computer code for different applications is a well-known standard in the computer programming art. Thus, given this knowledge, a person having ordinary skill in the art would have readily recognized the desirability and advantages of including a dynamically linked library of code in the computer code means taught by Shelton, so that the system conforms to standard coding practices. Thus, it would have been obvious for one of the first three computer code means taught by Shelton to comprise a dynamically linked library of code, as claimed.

In considering claim 15, claim 15 is a parallel method claim to claim 3, and is thus rejected for the same reasons.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BE  
September 30, 2003

  
GLENTON B. BURGESS  
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